

REMARKS

2 References herein to the Office Action are to the last Office Action, dated
3 5/9/2000, of U.S. Patent Application Serial No.08/851,877, filed 5/6/97.
4 References herein to the previous Office Action are to the Action immediately
5 before the last Action for the same patent application (Serial No.08/851,877, filed
6 5/6/97). That previous Action was dated 11/26/1999.

The Office rejects all claims under §103 as being unpatentable over U.S. Patent No. 5,760,771 to Blonder et al. (“Blonder”) and U.S. Patent No. 5,973,692 to Knowlton et al. (“Knowlton”). Applicant respectfully traverses the rejections.

10 Applicant respectfully requests reconsideration and allowance of all of the
11 pending claims of the application. At the time of the Action, claims 1-24 were
12 pending. After this Preliminary Response, claims 1-30 are pending. Claims 1, 6,
13 11, 20, and 22 are amended. New claims 25-30 are added.

Prior Art Status of References

Applicant does not explicitly or implicitly admit that any reference is prior art. Nothing in this response should be considered an acknowledgement, acceptance, or admission that any reference is considered prior art. Such references might be or might not be prior art, but Applicant make take no position regarding a references' prior art status.

Permission to Re-interpret All Pending Claims

In a paragraph (p. 9, lines 4-7) in Applicant's response to the previous Action, Applicant explained that changes to the claims are intended to clarify the invention rather than to overcome cited references. In a short informal telephonic

1 discussion on July 3, 2000, the Examiner explained his interpretation of that
2 paragraph to Kasey Christie, an attorney for Applicant.

3 The Examiner explained that he believed that Applicant's referenced
4 paragraph did not grant the Office permission to re-interpret the pending claims.
5 That was not Applicant's intent.

6 To clarify, the Applicant expressly grants permission to the Office to re-
7 interpret all pending claims of this application.

8 **Incorporation of Response to the Last Action**

9 Herein, Applicant expressly incorporates Applicant's remarks on pages 9-
10 17 of the response to the previous Action. Since, in the last Action, the Office did
11 not consider the substance of Applicant's response to the previous Action,
12 Applicant reintroduces them here for reconsideration.

14 **Claim Rejections – 35 USC § 103 -- Obviousness**

15 The Office rejects all pending claims under §103 as being obvious over
16 Blonder and Knowlton. Applicant respectfully traverses the rejections.

17 The remarks of the response to the previous Action explain some of the
18 reasons why the claims are not obvious based upon a combination of Blonder and
19 Knowlton. Those remarks are incorporated into this document.

20 The combination of Blonder and Knowlton do not show all of the claimed
21 elements of claims 1-30. Each claim is allowable because the combination of the
22 cited references does not include all of the elements of that claim.

23 In addition, Applicant submits that there is no objective basis in the cited
24 references for combining or modifying them. As the Office knows, to support a
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1 conclusion of obviousness, there must be something in the references (as a whole)
2 that suggests the desirability, and thus the obviousness of making the combination.
3 *Uniroyal v. Rudkin-Wiley*, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988). Furthermore,
4 the teachings of the references can be combined only if there is some suggestion or
5 incentive in the cited references to do so. *In re Fine*, 5 USPQ2d 1596, 1599 (Fed.
6 Cir. 1988).

7 The Action does not point to any teaching, incentive, or suggestion in the
8 cited references that supports the given combination or the given modification of
9 the combinations. Thus, Applicant submits that the rejection is unfounded. If the
10 cited references include such a teaching or suggestion, then Applicant submits that
11 the Office has not specifically pointed it out.

12 Furthermore, Applicant has added new claims and amended existing claims
13 that further clarify the invention. Applicant submits that the new claims and the
14 re-wording of existing claims will aid the Office in better understanding the scope
15 of protection that the Applicant seeks.

16 With these clarifications, Applicant submits that all of the pending claims in
17 a condition for allowance. Applicant asks the Office with withdraw its rejection
18 and allow all pending claims.

1 **Conclusion**

2 All pending claims are in condition for allowance. Applicant respectfully
3 requests prompt issuance of the subject application. If any issues remain that
4 prevent issuance of this application, the Office is urged to contact the undersigned
5 attorney before issuing a subsequent Action.

6

7 Respectfully Submitted,

8 Date: 7/17/2000

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